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CITIZENSHIP FOR THE PORTO RICANS

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An inexhaustible topic for political discussion in the Island of Porto Rico is that of citizenship. Every Porto Rican who occupies himself in the slightest degree with public affairs declares it as one of his chief grievances against our government, that it has failed to make the Porto Ricans citizens of the United States. Many features of the Spanish rule he recalls without regrets but he never fails to impress it upon you, especially if you are an American, that before 1898 he was a citizen of Spain, and that his representatives sat in the Spanish cortes. Republican United States he declares has been less generous to him than monarchical Spain. It seems to him a plain matter of justice that he should be made a citizen and he cannot understand the apathy of the United States towards the entire question, and least of all the active antagonism to his aspirations which appears when the matter is galvanized into life by executive recommendation or congressional proposal.

The question which appears to the Porto Rican clothed in the utmost simplicity is in fact highly complicated. It appears to involve the whole question of the present and future relation of the United States to its non-contiguous possession and because we have declared no policy which has the unanimous support of public opinion, we are reluctant to take up questions which seem to open up this who'e matter for discussion and decision. Citizenship and political status are two ideas which have been so closely associated in the minds of the Porto Rican leaders that it is difficult for them to divorce them. They are not alone in this view for it has appeared prominently in such discussion of the matter as has taken place in the congress and in the public press of the United States.

While there is undoubtedly some sentiment in Porto Rico in

favor of citizenship in the United States based on the general consideration briefly indicated in the introductory paragraph, there can be little doubt that in the minds of the political leaders who have kept the matter before the people the interest in citizenship is subsidiary to other political considerations.

However they may vary in other matters, and however much they may assail one another, the political parties of Porto Rico unite in one common aspiration, namely, the greatest possible control of their local affairs, with the least possible limitation or restriction of such control by federal law or federal officials. One party which at the outset controlled the legislature and, which even after it had lost its leadership, controlled to a certain extent the tone of political discussion, hoped for this greater measure of local control, by the closest approximation to the United States and incorporation in its political system. To them citizenship was only the first step on a path which should lead through an organized territory to statehood and membership in the Union. It is no reflection upon them to maintain that the end was dearer to them than the means. The political party which followed, and which is now in the majority throughout the country took up the demand for citizenship, and has not officially abandoned it. So far as it is possible for an American to grasp the subtle distinctions between the Porto Rican parties, it may be said that the latter is veering toward the ideal of the greatest possible local autonomy with the loosest possible relations with the United States. Some of its leaders are less insistent than before on citizenship. If the ideal of one party is local self-government through statehood, the aspiration of the other seems to be local self government without statehood. That the plea for citizenship is less consistent with the latter, than the former ideal is beginning to make itself felt.

There can be no doubt that in Porto Rico and in the United States there is a great body of public opinion which inclines to the view that the grant of citizenship would carry with it the implied promise of ultimate statehood. Needless to say that those who share this view in the island count among them the most enthusiastic advocates of citizenship, while those who hold it in the

United States are generally counted as the most determined opponents of it. Assuming for the moment the correctness of this position, how does it effect the question in the minds of the people of Porto Rico and the United States respectively?

In Porto Rico the idea that the island should become a state of the Union, is popular with those who see in such a development, the most complete realization of their ideal of local self-government, and are not distrustful of the attitude of our government towards them. But there is a less numerous contingent utterly antagonistic in thought to things American, who might be disposed to think that self government purchased at the price of such absorption in the United States was too dearly bought.

If citizenship for Porto Rico implies that after passing through a longer or shorter novitiate as an organized territory after the style of Arizona and New Mexico, the island shall become a state of the Union, the islanders might well pray that no ill-advised friends should secure it for them. Such action might indeed secure them local self government but would bring governmental bankruptcy in its train. The prosperity of Porto Rico as a body politic, the fact that it enjoys good credit, can borrow money for public improvements, that without borrowing it can maintain and operate systems of roads and schools far more extensive than anything known under the old régime, in short that as a government it can do things, rests upon grants direct and indirect of federal revenue. Turning over to the insular treasury the proceeds of the federal customs, and declaring that the internal revenue laws of the United States shall not be applicable until so ordered by congress, thus permitting a system of insular internal revenue, has given to the Porto Rican government the resources with which to develop an effective administration. It seems most unlikely that congress would grant to the island the status of an organized territory, giving it such rights and privileges as pertain to that form of government, without imposing upon it the duty of contributing as do other territories to the national treasury. If Porto Rico like all other territories were thrown wholly upon its resources of local taxation its government would crumble to pieces under present conditions. Self-government might be attained, but there would be little left to govern.

It might be argued that all this would not necessarily happen so soon as the island became an organized territory, that it might still continue to enjoy its peculiar fiscal privileges. Those who hold that territorial organization would follow citizenship argue from precedent and tradition, rather than from the precepts of the constitution, and if their arguments be accented it parallels their contentions to point out that up to the present time no organized territory has enjoyed these federal sources of revenue. But tradition is guiding, not binding. It is conceivable that new conditions might dictate a departure from habitual practice.

Moved by a consideration of the special needs of Hawaii, President Roosevelt in one of his messages, suggested that that territory be granted for its better development the customs duties collected in the island. With this recommendation there was no suggestion that the political status of the territory be changed. While nothing in the way of legislation has followed, the suggestion indicates that constructive statesmen have contemplated the possibility of an organized territory supported in part from the proceeds of federal taxation, and we cannot therefore dismiss it completely. Should this, to our mind improbable, course to be pursued, it would not be organization as a territory, but later organization as a state which would be disastrous to Porto Rico under present conditions, since it is inconceivable that a state of the Union should occupy so privileged a position with respect to taxation. The time may come when the growth of wealth in the island will be such that from its local resources it could support a government as effective as that which it now possesses, but the day is by present prospects still far off.

Those Porto Ricans who look forward to statehood after passing through a territorial form of government, have given little thought to the fiscal difficulties with which such a course would menace them. They share the common traits of the Latin races of being more solicitous of the forms of liberty than of its substance.

To those in the United States who are inclined to this manner of thinking a series of questions present themselves whose discussion is far from palatable to the Porto Ricans. Is it desirable, it is asked, to admit into the Union with full political rights and privil-

eges, communities in which the English speaking element is the merest fraction, and which have racial antecedents so utterly diverse from the dominating element in our own body politic? And again it is questioned, Are the Porto Ricans ripe for self-government, and for that complete local control of local affairs which statehood implies?

The first question is one on which we have had no definite formulation of public policy and have thus far pursued, a temporizing policy, though it must be confessed that there is an instinctive negative to the question in the public mind. So strong is this feeling that it once arrayed itself against the acquisition of these outlying possessions. There are still isolated thinkers, who, being convinced that under our constitution we cannot rightfully govern these regions otherwise than we do the continental portions of the United States, and who, being equally convinced that thus is undesirable, expend their energies in devising ingenious schemes for the United States to get rid of its several possessions across the seas. Opposition to the retention of our noncontiguous possessions is no longer perhaps a phase of public opinion to be reckoned with, but opposition to a complete incorporation of these regions with the American body politic as we have hitherto known it is wide spread. It rests upon a perfectly comprehensible reluctance to take with the Union, elements which it is feared will not be readily assimilable.

This view of the matter is general, not specific. It is based as concerns Porto Rico not on any question of fitness but on a sense of difference. It contemplates the possibility that the direct control of the United States over the islands and litoral of the Caribbean Sea may grow in extent, and hesitates at what might become a precedent for the future. Gradually the sentiment which looked with disfavor upon anything like a colonial system for our government is giving way to the conviction, that some species of colonial relation is the only one which can be thought of for many years to come, if not for all time.

There are others who take a different ground. Disregarding the larger question, they contend specifically that Porto Rico is not fit for organization as a territory on the basis of Arizona and New

Mexico, and cannot hope to be fit for statehood perhaps for generations. Those who hold thus do not base their convictions upon the fiscal aspects of the case which already received consideration nor on the general social and intellectual conditions which prevail in the island. They have fears for the future of a democracy in which three-fourths of the electors are unable to read and write. The democracy which underlies our constitutions is based not upon the intelligence of the leaders, but upon the diffusion of intelligence among the mass of the people. It would be entirely unjust to deny to the upper classes of the Porto Rican society a high degree of intelligence and a certain capacity for public affairs. They are of course temperamentally different from ourselves, and often see things in a different light. With the best of intentions in the world on both sides, it is often difficult for Americans and Porto Ricans in the island to come to a mutual understanding.

But this should not blind us to their ability.

Considering the limited opportunity under the old régime for participation in public life except in the negative role of the mal-content and occasional insurgent, and the short time they have enjoyed any constructive part in affairs, they have done extremely well. But it must be confessed that with a high degree of intelligence they naturally show little acquaintance with the forms and habits of popular government, and sometimes little comprehension of its proper spirit.

Inexperienced legislators, men who do not, to use a colloquialism, know the rules of the game, are far from unknown in the legislative bodies local, state and even national of our country. But each body here contains a nucleus of men fitted either by training or experience for the delicate task of legislation and these are apt to dominate the body. Porto Rico lacks such a nucleus, and of the body of legislation which has been placed upon its statute books since 1900 very little has originated in the lower and popular house. These laws which had their birth in that body were as a rule put into proper legal form by the upper house or executive council.

The intimate history of the Porto Rican legislature, would reveal some amazing episodes of parliamentary practice. At one

session of the legislature, the members of the dominant party took the ground that it would be courtesy not to pass any bill introduced by a party associate. Everything went through and it was left to the upper house to smother in committees a considerable number of measures, which should have received this charitable treatment in the lower house. During the same session the speaker of the house introduced a bill prepared by an outsider. When it came up for action he stated he had not read the bill, but it was duly passed. Knowing these circumstances the upper house did not hesitate to amend it generously, but when it was returned to the house, the putative father of the bill was incensed at the rather wholesome amendment and denounced the upper house for seeking to change in this manner the character of the proposed legislation.

A council bill having been favorably reported in the house, the suggestion was made that it probably contained some concealed trick which had escaped attention. The chairman of the committee which had reported it immediately rose and moved that the bill be indefinitely postponed.

The effort of the house leaders to force through measures objectionable to the upper house, but declining to vote appropriations unless their measures were accepted, led to the adjournment of the legislation of 1909 without any provision for the fiscal year 1909-10. The disagreement was brought to Washington and after a patient hearing of both sides, the president recommended to congress, then in extra session, that the organic law be so amended as to prevent such a condition of affairs from arising in the future. In this message the president dealt forcibly with the whole situation. He recommended specifically that the absolute power of appropriation be "taken away from those who have shown themselves too irresponsible to enjoy it." "When we," he says, "with the consent of the people of Porto Rico assumed guardianship over them, and the guidance of their destinies, we must have been conscious that a people that had enjoyed so little opportunity for education could not be expected safely for themselves to exercise the full power of self-government; and the present develop-

ment is only an indication that we have gone somewhat too fast in the extension of political power to them for their own good."

As a result of the president's message the Olmsted act of July 15, 1909 was passed, which provided that if "at the termination of any fiscal year the appropriation necessary for the support of the government for the ensuing fiscal year shall not have been made an amount equal to the sum appropriated in the last appropriation bill for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purpose aforesaid."

It will be noted that this bill does not specifically say that the sums appropriated for each specific purpose shall be re-appropriated, indeed such a law would continue if enacted in this form, appropriations of a purely temporary character.

The phraseology of the law follows the language of the Philippine act concerning which the governor in his annual report says, it was, "evidently intended to provide an amount equal to the whole amount and allow the governor more latitude in authorizing payments. This latter plan is preferable, as there were in our case certain appropriations in the bills of the previous year which were not necessary for this coming year, such as expenses for completing the work of the code commissions, elections, etc., while on the other hand certain other appropriations had proved inadequate for the services for which they were provided, and it was imperative that greater amounts should be allotted. Among these were the appropriations for fees for witnesses and jurors, salaries for the district courts, and for the maintenance of the police force."

The attorney-general of Porto Rico interpreted the law in the sense above indicated, and appropriations were made by the governor and executive council on this basis.

When, in the legislature of 1910, the house of delegates received from the executive council the appropriation act it passed on January 31, 1910, an extensive resolution reciting its view that the Olmsted act intended that the appropriation act for the previous year should continue in force automatically in its entirety and detail, that the governor and executive council arrogated to them-

selves the power to construe the act as they saw fit declaring that the house was without power to intervene freely and effectively in the consideration and approval of the budget for the fiscal year 1910-11 or of any other succeeding budget. It then continued with the following statement and resolution.

"But as the House of Delegates harbors not the slightest purpose of blocking the good administration of public affairs and prefers to make the greatest sacrifice rather than its conduct be wrongfully appreciated, misjudged and be the cause of evils and useless disturbances to the island, the house resolves:

I. To approve the appropriation act for the fiscal year 1910-11, just as it was passed by the executive council, without discussion thereon or revision thereof, with the understanding that the house, in so acting, fulfills a painful patriotic effort of prudence and wisdom.

II. To protest before congress of the United States against the construction placed upon the Olmsted act by Governor Regis H. Post and by the executive council, as constituted in June, 1909, subordinating it to their judgment and rendering the same so unnatural as to convert it into an instrument to be used at will by the insular government.

The house of delegates trusts that the congress of the United States will give its very best attention to the fact that a governor and an executive council in Porto Rico were able to render unnatural and to misconstrue a law of the United States without any respect whatsoever not only for this country but for the national supreme legislative authority as well.

The House of Delegates, without the remotest intention of rebellion, denounces that governor and that council and awaits justice from the congress of the United States."

In accordance with the resolution hereinabove inserted, and in the manner therein stated, the House of Delegates has passed, without amendments, Council Bill No. 1 entitled "A bill making appropriations for the necessary expenses of carrying on the government of Porto Rico, for the fiscal year ending June 30, 1911, and for other purposes."

In this extraordinary document both the substance and the

form may well attract attention. In effect the house of delegates declares it has been shorn of all power to effect the budget. If it makes the slightest amendment the council can simply refuse to concur, bring about a disagreement, and then under its interpretation of the Olmsted act make up any budget it sees fit. This is a possible but an extreme interpretation. Under existing law as interpreted by the government, the right of the house of delegates to intervene in a constructive way in the formation of the budget is not impaired, but it cannot use its right any longer to obstruct legislation. The house assumes in this document that the council will do what it essayed to do in the last session, namely use the letter of the law to promote friction in government instead of using its spirit to promote harmony. The language of the document in which one partner in the work of legislation roundly berates the other, gives it an unique place in parliamentary practice.

The instances which have been introduced, however striking, are not merely sporadic cases. They represent in forcible and concrete terms the ineptitude of the Porto Ricans for the work of legislation. They show a lack of acquaintance with the methods and forms of parliamentary action which are, it is believed, characteristic. But again let it be emphasized that this does not in itself imply any lack of intelligence. One cannot blame a physician that he is not a lawyer. These men, leaders of their respective political parties have not been trained in parliamentary forms.

The leaders of thought and opinion whether in public office or out of it, are few, the followers many. Bossism in its most aggravated form is the characteristic of public life. It cannot be denied that other communities than Porto Rico have their bosses. But the difference lies in the absence of any considerable number of independent voters, voters independent in thought as well as in their party associations or lack of them. This is the natural result of the electorate which has been described. If the hope of democracy lies as has often been stated in the middle classes, it cannot expect much from Porto Rico in the way of true democracy until it develops a middle class. There is a very small upper class without much training in public affairs but with considerable in-

telligence and education, but the great mass of the people are sunk in ignorance. This creates a situation in which it becomes dubious how far the results of an election express the popular will. It is difficult for the upper classes to realize this profound distinction between their country and ours. They have very few men whose education would fit them to take any part in public life, and of this small number only a handful have had any training or experience in public affairs. That an American congress should consider them unfit for complete local self-government is scarcely surprising.

If then citizenship for the Porto Ricans means self-government through acquiring the status of an organized territory it is difficult to see how any intelligent Porto Rican should desire it, or how any intelligent American should favor it. If, on the other hand, citizenship implies self-government without necessarily implying any change in the fiscal arrangement which the island enjoys and can readily understand the enthusiasm of the Porto Ricans for it. Under such circumstances the attitude of congress and of public opinion might well undergo some modification.

Citizenship and self-government would not then be feared for any possible consequence which it might have for the United States, but only for such results as might ensue in Porto Rico. Those who might be sure they did not wish to take any chances by taking steps leading towards the incorporation of Porto Rico in the United States might feel more readily disposed to grant the oft-expressed petition of the Porto Ricans that they be given an opportunity of demonstrating their fitness for self-government by actually exercising it. But in considering any substantial modification of the form of government of Porto Rico in the direction of greater local self-government, it must always face the probability that when the United States withdraws its control of insular affairs it will also withdraw its financial support.

The arguments for and against citizenship which have been considered, are based upon the assumption that in some form self-government must follow citizenship. This assumption rests wholly upon tradition and has no standing in constitutional law. Citizenship in the United States does not under the constitution confer any political rights whatsoever.

It must be remembered that we Americans have a double citizenship in the state and in the nation. But so far as we enjoy political rights they come to us through our citizenship in the states. Only as such have we a voice in national affairs. The constitution of the United States makes no qualifications for the privilege of voting, and provides only that the qualifications for electors in voting for members of congress shall be the same as are required in elections for members of the lower houses of the state legislature. It is quite competent for the states to deny the privilege of voting to persons who are citizens of the United States and all but a few states do deny such privileges to feminine citizens. It is equally competent for the states to confer the privilege of voting upon those who are not American citizens, and some states do in fact permit foreigners who are not fully naturalized to participate in the ballot.

Citizens of the United States who are not residents of states have only such political privileges as the congress may by statute confer. In the organized territories the people have no voice in the selection of the territorial governor who is appointed by the president. In the District of Columbia the people have no franchise whatever, and no voice through suffrage in the conduct of their public affairs. It is therefore perfectly competent for congress to make the Porto Ricans citizens or provide a machinery for so doing, without changing in one iota the present form of government, or, if it so elects, to reduce much below what it now is the participation of the people in public affairs. These considerations change wholly the aspect of the case both from the view point of the Porto Ricans and from that of the United States.

If the grant of citizenship must be dissociated from political privilege, and holds in itself no promise of any different organization of the body politic, why should it be desired? It must be conceded that from the standpoint of the Porto Ricans the reasons are largely those of sentiment. In public affairs sentiment is not to be despised and the desire of the people to be associated definitely with one of the great nations of the earth is commendable. They had a pride in the fact that they were Spanish citizens, and many of the good people among them feel to day that they are

without a country. There seems to be no good reason why this situation should endure. We cannot expect the fullest measure of sympathy with our aims and purposes in the island while we deny its people the right to call themselves citizens of our country.

Is there then from the point of view of the United States any good reason for withholding the grant of citizenship? What good purpose is insured by withholding this gift? None, if we can eliminate the groundless fear that we may thereby be opening the door of statehood. If there is nothing to be gained by withholding the grant, what is there to be secured by conferring it?

The most important result of such action would be a definite notice to all concerned that the United States does not contemplate the possibility that the political union of Porto Rico with the United States shall be dissolved. It could not well abandon its own citizens, even if it were disposed to do so. Such action would be beneficial to the island. It would put an end to the delusion from which some of its people suffer that the presence of the United States in the island may be only temporary and would put a quietus upon a fruitless but disturbing discussion of independence which sometimes breaks out there. In the United States it would put an end to the dreaming of those who spend much valuable time in formulating reasons why we should rid ourselves of the embarrassment of insular dependencies and in devising ingenious methods for so doing. In short both in Porto Rico and in the United States it would clear the atmosphere.

If the thing is to be done, interest centers in the method. The obvious way is by a simple act of congress to declare the citizens of Porto Rico to be citizens of the United States. We have heretofore fought shy of this obvious method because we have feared the political implications which we have supposed to be bound up with it. But there is another objection to such a measure which is founded upon questions of insular rather than of national policy. It is, that such a gift outright of American citizenship affords us no opportunity to test the sincerity of the demand of the Porto Ricans for it. Ex-Governor Post has pointed out that, while there has been no formal expression to the contrary, public opinion is not unanimously in favor of citizenship. The demand

for citizenship appears in many cases as a pretext for political agitation, and many who favor it at the behest of political leaders have little conception of what it means and little sympathy for it. The writer remembers one of the visits of Speaker Cannon to the island and the impassioned pleading of the speaker of the house of delegates for citizenship. It was the next day that the same house of delegates passed a bill on the subject of English teaching in the public schools, prescribing that English be a subject of study, but prohibiting the schools to be conducted in the English language as was then already the practice in all the larger communities. The contrast was too striking not to make a deep impression.

If there is even a considerable fraction in the population who do not desire citizenship it would be a mistake to give it to them. It would give color to the cry of a forced Americanization of the island which it is most desirable to avoid. Americanization, whatever that may mean, can only come with the consent and coöperation of the islanders and defeats its object when it has compulsion behind it.

The suggestion of ex-Governor Post that the citizenship be granted not to all Porto Ricans but to those who express a desire for it has much to commend it. It would better meet the state of public feeling in the island than would a blanket citizenship. It would moreover be far more acceptable to the United States to those who cannot convince themselves that citizenship is not necessarily the first step towards statehood.

Such a measure puts a higher value upon citizenship. It makes it a thing to be sought after rather than a free gift. It would put each Porto Rican upon record as expressing his personal desire for a more intimate union in thought and feeling with the United States. Nor would there in the opinion of the writer be any objection to offering as it were a reward for right feeling. A provision that after the lapse of five years none but American citizens could hold elective office, and a further provision that after the lapse of ten years none but American citizens should be qualified to vote would offer obvious inducements for registration. It is believed that on the plan here outlined citizenship could be granted in

Porto Rico with the maximum of justice to the reasonable demands of her people and with the minimum of inconvenience to the people of the United States.

So far as the question of citizenship is concerned the bill prepared in the war department for the government of Porto Rico which at this writing (February, 1910) is under consideration before the house committee on insular affairs, is framed upon the lines of the foregoing exposition, inasmuch as it makes citizenship optional, though offering inducements, yet proceeds to curtail the self-government of the Porto Ricans as though no question of citizenship had been raised.

This bill provides that any citizen of Porto Rico, may by the appearing before the proper court and taking the oath of allegiance to the United States become a citizen of the United States, and receive a certificate to that effect. The measure there provides, somewhat too drastically I am disposed to think, that "after two years from the date of the approval of the act, no citizen of Porto Rico shall hold or be eligible for election or appointment to any office under the government of the United States or the government of Porto Rico who is not a citizen of the United States." It is further provided that after the general election of 1910 none shall exercise the right of suffrage in Porto Rico who are not citizens of the United States.

This is individual rather than general citizenship. It requires for each adult citizen a personal act to become a citizen of the United States. If he has deep rooted objections to such a course he can simply stay out. But in doing so he must give up participation in such political rights as are granted to Porto Ricans by congress.

The exclusion from all political rights within so short a period of those who do not elect to become citizens of the United States, indicates the purpose of the bill that citizenship in the United States shall soon become widespread. It contemplates that within a brief period all admitted to the political life of the island shall be citizens of the United States. But search as we may we hardly find in the measure a recognition that such citizenship should carry with it a larger right to participate in the political life of the island than is now accorded to the people of Porto Rico.

The measure is a complicated one, full of details which only those familiar with conditions in Porto Rico would have the patience to study in all its aspects. In general it can be said of it, that while it apparently increases the degree of self-government in legislation by substituting in the law-making body a senate constituted largely but not wholly by appointment, which will be Porto Rican in membership, for the present wholly appointed mixed American and Porto Rican executive council, it restricts the power of the legislature by reducing it to biennial sessions, and by legislating directly by congress on a considerable number of topics heretofore left to the local legislative body.

Should this measure become a law, the question of citizenship will pass from the realm of academic discussion to that of practical achievement. But it will at the same time give force to the view that our political system is one in which diversity as well as uniformity must have a place. It will embody the principles that our dependencies must be governed in relation to their own needs, rather than by reference to political traditions derived from a historic past in which modern conditions had no counterpart.